

Appl. No. 10/697,139  
Reply to Office action of 01/31/2005

**Amendments to the Drawings:**

Please amend Figs 1, 2C, 2D, and 2E as shown on the attached replacement drawing sheets 1-3.

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### REMARKS

Reconsideration of the above-referenced application in view of the above amendment, and of the following remarks, is respectfully requested.

Claims 1, 4-12, and 14-15 are pending in this case. Claims 1 and 7 are amended herein and claims 2, 3, and 13 are cancelled herein.

The Examiner objected to the drawings as they did not show "106 decoupling capacitor" and "134 standard metal capacitor". Figs. 1, 2C, 2D, and 2E are amended herein to show high density capacitor 106. The specification is amended to change "134" to --138-- in paragraph [0025]. However, it should be noted that 134 of the unamended spec and 138 of the amended spec refer to a "standard metal cap", not "capacitor."

The Examiner objected to the specification as the top electrode 112 was mistakenly referred to as "top electrode 114". Paragraph [0024] is amended to correct this reference.

Claims 9-12 and 14-15 stand allowed.

Claims 3 and 7 were objected to by the Examiner as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claim 3 is rewritten as amended claim 1 including all the limitations of the base claim, original claim 1, and the intervening claim, claim 2. Accordingly, Applicant respectfully submits that claim 1 and the claims dependent thereon are now allowable. Claim 7 is rewritten in independent form including all the limitations of the base claim, original claim 1, as well as the limitations of claim 2.

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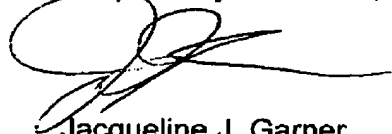
The Examiner rejected claims 1-2, 4-6, and 8 under 35 U.S.C. 102(e) as being anticipated by Block et al. (U.S. 2004/0145855 A1). Applicant respectfully submits that this rejection is overcome by the amendment to claim 1 discussed above.

However, it should be noted that the portions of Block referenced by the Examiner do not disclose or suggest depositing a material over the top metal interconnect level, patterning and etching this material to expose a portion of the top metal interconnect level and forming a capacitor on this exposed portion of the top metal interconnect level. The capacitor 100 of Block is formed prior to material 107 and thus the capacitor is not formed on a portion of the top metal interconnect that is exposed by etching material 107.

The other reference cited by the Examiner has been reviewed, but is not felt to come within the scope of the claims as amended.

In light of the above, Applicant respectfully requests withdrawal of the Examiner's rejections and allowance of claims 1, 4-12, and 14-15. If the Examiner has any questions or other correspondence regarding this application, Applicant requests that the Examiner contact Applicant's attorney at the below listed telephone number and address.

Respectfully submitted,



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